

DX-12

Texas Medical Board Press Release

FOR IMMEDIATE RELEASE

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TMB Adopts Emergency Rule to Enforce Gov. Abbott's Executive Order GA-15

Following Governor Greg Abbott's issuance of [Executive Order GA-15](#), the Texas Medical Board's Executive Committee today adopted rules on an emergency basis to enforce the Governor's Executive Order which continues the postponement of certain surgeries and procedures as outlined in the order.

The adopted rule amends 22 TAC Chapter 190.8 Violation Guidelines, and adds to the definition of "Unprofessional and Dishonorable Conduct" under 22 TAC §190.8(2)(U). The adopted emergency rule goes into effect later today at 11:59 p.m. when GA-15 goes into effect.

The rule adds to the definition to include the following:

(U) a violation of Texas Executive Order GA-15, issued April 17, 2020, which states: "All licensed health care professionals and all licensed health care facilities shall postpone all surgeries and procedures that are not medically necessary to diagnose or correct a serious medical condition of, or to preserve the life of, a patient who without timely performance of the surgery or procedure would be at risk for serious adverse medical consequences or death, as determined by the patient's physician; provided, however, that this prohibition shall not apply to either of the following:

(i) any procedure that, if performed in accordance with the commonly accepted standard of clinical practice, would not deplete the hospital capacity or the personal protective equipment needed to cope with the COVID-19 disaster; or

(ii) any surgery or procedure performed in a licensed health care facility that has certified in writing to the Texas Health and Human Services Commission both:

(1) that it will reserve at least 25% of its hospital capacity for treatment of COVID-19 patients, accounting for the range of clinical severity of COVID-19 patients; and

(2) that it will not request any personal protective equipment from any public source, whether federal, state, or local, for the duration of the COVID-19 disaster."

The Executive Committee also withdrew emergency rules related to Executive Order GA-09 effective today at 11:59 p.m.

The Board has published updated FAQs on the TMB website at www.tmb.state.tx.us/page/coronavirus.

For the latest COVID-19 information for health providers and the public, visit the Department of State Health Services (DSHS) COVID-19 web page at dshs.texas.gov/coronavirus/.